STAND. COM. REP. NO. **762** Honolulu, Hawaii **MAR 0 4** RE: H.B. No. 169 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 169 entitled:

"A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT,"

begs leave to report as follows:

The purpose of this measure is to amend the offense of disorderly conduct to include engaging in conduct with the intent to convey certain false or misleading information.

Your Committee received testimony in support of this measure from the Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and eighteen individuals.

Your Committee finds that the conveyance of threats of violence, mass violence, or destruction of property, using various media is a growing concern. These messages are often intended as pranks, or are intended to disrupt services, and result in the unnecessary expenditure of significant resources by law enforcement agencies.

Your Committee further finds that court rulings have held that the Hawaii Penal Code does not criminalize the making of false or misleading threats. Therefore, this measure is necessary to discourage the issuance of such messages in this digital age.

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However, your Committee recognizes that this measure may result in the stigmatization of minors who may post false or misleading information on social media without understanding the seriousness or permanence of their actions.

Accordingly, your Committee has amended this measure by:

- (1) Allowing minors convicted of a first-time offense of disorderly conduct for conveying false or misleading information to apply to the court for expungement upon attaining the age of eighteen or three years after the conviction, whichever is later; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 169, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 169, H.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

State of Hawaii House of Representatives The Thirty-first Legislature

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB169	Committee Referral:		Date: 2-23-21		
The committee is reconsidering its previous decision on the measure.					
The recommendation is to: □ Pass, unamended (as is) Ya Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)					
JHA Members	Ayes	Ayes (WR)	Nays	Excused	
1. NAKASHIMA, Mark M. (C)		RATISMENDERSER	Transforms lower bit		
2. MATAYOSHI, Scot Z. (VC)					
3. ICHIYAMA, Linda					
4. KOBAYASHI, Dale T.					
5. LoPRESTI, Matthew S.					
6. LOWEN, Nicole E.					
7. McKELVEY, Angus L.K.					
8. NAKAMURA, Nadine K.					
9. TAKUMI, Roy M.					
10. TODD, Chris					
11. TOKIOKA, James Kunane					
12. WARD, Gene					
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TOTAL (12)	8	4	Q	Q	
The recommendation is: X Ado If joint	referral,	Not Adopted did not support recommendation. committee acronym(s)			
Vice Chair's or designee's signature:					
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO					